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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

BZ

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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WALTER JACKSON,) Case No.:
Plaintiff,)
v.) COMPLAINT AND DEMAND FOR
IC SYSTEMS, INC.,) JURY TRIAL
Defendant.) (Unlawful Debt Collection Practices)

VERIFIED COMPLAINT

WALTER JACKSON (Plaintiff), by his attorneys, KROHN & MOSS, LTD., alleges the following against IC SYSTEMS, INC., (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).
2. Count II of the Plaintiff's Complaint is based on Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §1788 et seq. (RFDCPA).

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and 28 U.S.C. 1367 grants this court supplemental jurisdiction over the state claims contained therein.

1 4. Defendant conducts business in the state of California, and therefore, personal
2 jurisdiction is established.

3 5. Venue is proper pursuant to *28 U.S.C. 1391(b)(1)*.

4 6. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

5 **PARTIES**

6 7. Plaintiff is a natural person residing in San Francisco, California.

7 8. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to
8 Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*
9 and *Cal. Civ. Code § 1788.2(h)*.

10 9. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)* and *Cal. Civ.*
11 *Code § 1788.2(c)*, and sought to collect a consumer debt from Plaintiff.

12 10. Defendant is a national company with its headquarters in St. Paul, Minnesota.

13 11. Defendant acted through its agents, employees, officers, members, directors, heirs,
14 successors, assigns, principals, trustees, sureties, subrogees, representatives, and
15 insurers.

16 **FACTUAL ALLEGATIONS**

17 12. Defendant constantly and continuously placed collection calls to Plaintiff seeking and
18 demanding payment for an alleged debt.

19 13. Defendant placed between 2-3 collection calls every day seeking and demanding
20 payment for the alleged consumer debt.

21 14. Defendant contacted Plaintiff at his place of employment despite having knowledge that
22 Plaintiff cannot accept such calls.

23 15. Defendant constantly and continuously placed collection calls to Plaintiff at the number
24 (415) 983-1573 seeking and demanding payment.

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COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

16. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692c(a)(1) of the FDCPA by contacting Plaintiff at a time and place known to be inconvenient.
- b. Defendant violated §1692c(a)(3) of the FDCPA by contacting Plaintiff at his place of employment despite having knowledge that Plaintiff cannot accept such calls.
- c. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, and abuse Plaintiff.
- d. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

WHEREFORE, Plaintiff, WALTER JACKSON, respectfully requests judgment be entered against Defendant, IC SYSTEMS, INC., for the following:

17. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,

18. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,

19. Actual damages,

20. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k

21. Any other relief that this Honorable Court deems appropriate.

COUNT II
DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT

22. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint as the allegations in Count II of Plaintiff's Complaint.

23. Defendant violated the RFDCPA based on the following:

- a. Defendant violated §1788.11(d) of the RFDCPA by causing Plaintiff's telephone to ring repeatedly and continuously so as to annoy Plaintiff.
- b. Defendant violated §1788.11(e) of the RFDCPA by placing collection calls to Plaintiff with such frequency that was unreasonable and constituted harassment.
- c. Defendant violated the §1788.17 of the RFDCPA by continuously failing to comply with the statutory regulations contained within the FDCPA, 15 U.S.C. § 1692 et seq.

WHEREFORE, Plaintiff, WALTER JACKSON, respectfully requests judgment be entered against Defendant, IC SYSTEMS, INC., for the following:


24. Declaratory judgment that Defendant's conduct violated the Rosenthal Fair Debt Collection Practices Act,
25. Statutory damages of \$1000.00 pursuant to the Rosenthal Fair Debt Collection Practices Act, *Cal. Civ. Code §1788.30(b)*,
26. Actual damages,
27. Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt Collection Practices Act, *Cal. Civ Code § 1788.30(c)*, and
28. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, WALTER JACKSON, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

Dated: February 1, 2010

By: 

Ryan Lee, Esq.
KROHN & MOSS, LTD.
Attorneys for Plaintiff,
WALTER JACKSON

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF CALIFORNIA

Plaintiff, WALTER JACKSON, states as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, WALTER JACKSON, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 1/28/2010

 WALTER JACKSON